

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6304 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

KIRANKUMAR M JAISWAL

Versus

COMMISSIONER

Appearance:

MR PJ YAGNIK for Petitioners

MR JR NANAVATI for Respondent No. 1, 3

None present for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 13/10/1999

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. The petitioner, since deceased, was appointed on probation as Personal Assistant to the Commissioner of the Corporation under the order dated 28th April, 1986 which post he joined on 5th May, 1986. The Commissioner found his work not satisfactory as P.A. and he was

transferred to the department where also his work was not found satisfactory and as a result thereof his services were brought to an end by a simpliciter order of discharge under the order dated 6th November, 1986, which order is under challenge in this special civil application.

3. Learned counsel for the petitioner is unable to satisfy how any illegality has been committed by the respondent in terminating the services of a probationer. It is always open to an employer to terminate the services of a probationer if the same are not found satisfactory. The order is innocuous and it does not cast any stigma also.

4. Strong reliance has been placed by the counsel for the petitioner on a certificate given by the Deputy Municipal Commissioner, Jamnagar where the petitioner's job was certified to be good but from the affidavit of the Dy. Municipal Commissioner, Jamnagar I find that this certificate was given as the petitioner wanted to use the same for job elsewhere. It is not a certificate which has been given to certify his services to be satisfactory. After going through the contents of the affidavit of the Dy. Municipal Commissioner, Jamnagar this plea is also not tenable.

5. In the result, this special civil application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted by this court stands vacated. No order as to costs.

zgs/-